

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)
HLADIK, ONORATO & FEDERMAN, LLP
Stephen M. Hladik, Esquire
Attorney for Movant
298 Wissahickon Avenue
North Wales, PA 19454
(215) 855-9521
Attorneys for Partners for Payment Relief DE II, LLC
c/o FCI Lender Services, Inc.

In Re:

Mordechai Thaler

Case No: 17-28744-CMG

Hearing Date: 01/03/2018

Chapter: 13

Judge: Christine M. Gravelle

OBJECTION TO CONFIRMATION OF THE PLAN

Movant, Partners for Payment Relief DE II, LLC c/o FCI Lender Services, Inc. (“Movant”), by its attorneys, Hladik, Onorato & Federman, LLP, objects to confirmation of the Chapter 13 Plan of Debtor, Mordechai Thaler (“Debtor”), as follows:

1. As of the bankruptcy filing date of September 14, 2017, Movant holds a secured claim against the Debtor’s property, located at: 65 Center Street, Freehold, NJ 07728.
2. Movant is in the process of filing a Proof of Claim by the 01/17/2018 bar date, with estimated pre-petition arrears in the amount of \$27,702.41.
3. The Plan currently does not provide for payment to Movant for pre-peition arrears.
4. The Plan currently calls for the property to be sold, but does not provide a proposed date for the sale nor does it provide for any of the proceeds to be paid to Movant.
5. The Plan fails to cure the delinquency pursuant to 11 U.S.C. § 1322(b)(5).
6. The Plan violates of 11 USC § 1325(a)(5)(B)(ii) by not providing for Movant to receive the full value of its claim.

7. Movant objects to the feasibility of the Plan under 11 U.S.C. § 1325(a)(6). The Plan proposed by Debtor is not feasible. Movant requests that the bankruptcy case either be converted to a Chapter 7 or be dismissed pursuant to 11 U.S.C. § 1307.

WHEREFORE, Movant respectfully requests that this Honorable Court deny confirmation of the Debtor's Chapter 13 Plan.

Respectfully submitted,

Dated: 12/20/2017

/s/ Stephen M. Hladik, Esquire
Stephen M. Hladik, Esquire
Attorney I.D. # 047471992
Hladik, Onorato & Federman, LLP
298 Wissahickon Avenue
North Wales, PA 19454
Phone: 215-855-9521
Email: shladik@hoflawgroup.com
Attorney for Movant

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY Caption in Compliance with D.N.J. LBR 9004-1(b) HLADIK, ONORATO & FEDERMAN, LLP Stephen M. Hladik, Esquire Attorney for Movant 298 Wissahickon Avenue North Wales, PA 19454 (215) 855-9521 <u>Attorneys for Partners for Payment Relief DE II, LLC</u> <u>c/o FCI Lender Services, Inc.</u>	
In Re:	Case No: 17-28744-CMG
Mordechai Thaler	Hearing Date: 01/03/2018
	Chapter: 13
	Judge: Christine M. Gravelle

CERTIFICATION OF SERVICE

- I, Patrick Franz:
☐ represent the _____ in the above-captioned matter.
☒ am the secretary/paralegal for Hladik, Onorato & Federman, LLP, who represents PARTNERS FOR PAYMENT RELIEF DE II, LLC C/O FCI LENDER SERVICES, INC. in the above captioned matter.
☐ am the _____ in the above case and am representing myself.
- On December 20, 2017 I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Confirmation of the Plan
- I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: December 20, 2017

/s/ Patrick Franz
Patrick Franz

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
<p>Mordechai Thaler 342 Dewey Ave Lakewood, NJ 08701-3570</p>	<p>Debtor</p>	<p><input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)</p>
<p>Timothy P. Neumann Broege, Neumann, Fischer & Shaver 25 Abe Voorhees Drive Manasquan, NJ 08736</p>	<p>Debtor's Attorney</p>	<p><input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)</p>
<p>Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853</p>	<p>Trustee</p>	<p><input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)</p>

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.